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LSA Staff:

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Authority: P.L.248-1996 (SEA 138)

ENVIRONMENTAL QUALITY SERVICE COUNCIL

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SUBCOMMITTEE MEETING SUMMARY

Meeting Date: July 21, 1998
Meeting Time: 1:00 P.M.
Meeting Place: State House, 200 W. Washington St.,
Room 233
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Sen. Beverly Gard.

Members Absent: John Walker.

TRIENNIAL REVIEW AND AUDIT PRIVILEGE SUBCOMMITTEE-MEETING SUMMARY

ENVIRONMENTAL AUDIT PRIVILEGE

Tom Cobb, from the Indiana Department of Environmental Management Office of Legal Counsel, stated the following concerning Indiana's environmental audit privilege statute (IC 13-28-4):

*The United States Environmental Protection Agency (EPA) will not authorize the State of Indiana to operate certain delegated programs (and Indiana will not receive certain delegated funds) unless changes are made to Indiana's environmental audit privilege law.

*IDEM has been working with the Indiana Attorney General's office on an Opinion Letter that will address most of the EPA's concerns.

- *The Legislature will have to amend the statute as it applies to criminal proceedings and injunctive relief to fully satisfy the EPA.
- *IDEM is working with the EPA Region V Office and reviewing changes made to similar statutes in other states to determine what statutory language is necessary to satisfy the EPA.
- *The members of the Environmental Quality Service Council (EQSC) need to understand the implications to the State of Indiana if the statute is not amended.

TRIENNIAL REVIEW OF INDIANA WATER QUALITY STANDARDS

Witnesses made the following observations about proposed water quality rules issued by IDEM:

- *IDEM is working on the second draft of the rules and it should be ready by August 19.
- *The rules are trying to fix things that haven't been shown to be a problem.
- *IDEM needs to have a better understanding of the economic and social impacts of the rules.
- *IDEM needs staff "in-house" to perform economic analyses.
- *The policy of giving certain bodies of water special designations needs to be discussed further.
- *It is not certain who is making policy decisions and who is determining what problems should be addressed.
- *Need to determine what problems must be addressed now and which ones can be addressed later.
- *Just fix those parts of the rule to make it "workable" and allow permits to be issued in a timely fashion.
- *Water Pollution Control Board members need to be more involved, especially earlier in the rulemaking process, to address general policy considerations.
- *The process is "broken" because policy issues should have been resolved first but IDEM has never had the resources to adequately determine the quality of the water in Indiana.
- *If the changes in the proposed rules are implemented, they will further delay the issuance of water permits and increase the permit backlog.
- *Local communities should be more involved in making decisions concerning special designations for bodies of water in their jurisdiction.
- *Need better understanding of implications to bodies of water that have already received a special designation if the proposed rules take effect.
- *Nonpoint sources of water pollution are the biggest problem but the proposed rules do little to address this issue.

Senator Gard indicated she would coordinate a presentation to be made to the full EQSC at the August 13 meeting concerning the triennial review of water quality standards in which one person representing business and industry, one person representing municipalities, one person representing environmental organizations, staff from IDEM, and perhaps one person from the Indiana Department of Commerce would briefly discuss the issues raised by the proposed rules.